

#### REMARKS

The Examiner's Office Action dated 06/24/03 has been reviewed. The Examiner rejected applicant's Claims 7-10 based on 35 U.S.C. 112, second paragraph. Applicant has amended his Claims 7-10 to address and fully respond to the Examiner's rejections.

The Examiner rejected Claims 7-10 based 35 U.S. C. 103(a) as being unpatentable over Bitter Creek, in view of Trainor et al (U.S. Patent 6,296,674).

Applicant assumes that the Bitter Creek prior art referred to by the Examiner is a web site publication. The Copyright date is listed as "1998 - present". While the date of the copyright may be 1998, there is no guarantee that the contents of the web site have remained unchanged since 1998. As is the case, web sites are frequently "updated". This may entail adding material and deleting material. The web site may be changed as new material is added and then protected by the copyright. The existing web site (a copy of which is included), found at [www.candlesupply.com](http://www.candlesupply.com) states that "BC has grown over the past 5 years to become..." Implicit in that claim is that since 1998 BC, Bitter Creek Candle Supply, Inc. has grown. It is obvious from the web site itself that it has been changed since 1998, in that the number of years the company has been in business is claimed, and that is something that could not have been known in 1998. Because the content of the web site can be readily

changed, Applicant submits that the status of "prior art" cannot be conferred upon it, without solid proof that the contents have not been modified since the applied date. In the case at hand, it is obvious that Bitter Creek has modified its web site since 1998, and is therefore unreliable as a source of "prior art".

As the Bitter Creek reference should not be considered prior art, the Trainor disclosure should not be combined with it. Trainor alone does not teach the invention of the present application.

Applicant submits that the foregoing remarks, in conjunction with the amendments provided below, are fully responsive to the Examiner's rejections. The Applicant requests that the rejections be withdrawn, and the application be passed forward to issue.